

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
02/03/11
5:30PM

ATTENDANCE: Randy Mackie, Ed Simmons, William Krick, Chris Carter, Jon Rolewicz

ABSENT: Greg Borgman, Kirk Kolberg

EXCUSED:

STAFF: Carmen Smith, Henry Faltinowski, Don LaBrenz II, Anthony Kleibecker,

GUESTS: David Wotli (1190 Kenneth)

Meeting minutes: A motion was made by Randy Mackie and seconded by Chris Carter to approve the January 2011 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Randy Mackie			Greg Borgman	
Jon Rolewicz				
William Krick				
Chris Carter				
Ed Simmons				
			Kirk Kolberg	

Motion carried.

ELECTION OF OFFICERS

A motion was made by Chris Carter and seconded by Randy Mackie to re-elect Greg Borgman, Chairman and Jon Rolewicz, Vice-chairman.

A roll call vote was taken:

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AYES:

NAYES:

EXCUSED:

ABSENT: ABSTENTION:

Greg Borgman

Randy Mackie
Jon Rolewicz
William Krick
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

PROPERTY MAINTENANCE CODE APPEAL

1190 Kenneth – David Wotli – 1724 Beidler St., - Muskegon, MI 49441

Mr. Wotli was present to represent case.

Mike Cameron, Code Enforcement Coordinator stated inspectors found multiple extension cords running to neighbor's house because renters had no heat. A 24 hour utility interruption letter was sent to Mr. Wotli. Mr. Cameron said he spoke with Mr. Wotli informing him that ordinance states all occupied dwellings require electricity be supplied. He said Mr. Wotli stated he had contract which shows tenant responsible for electricity. Mr. Cameron stated the City of Muskegon is not party to that contract so the responsibility rest with property owner under the ordinance. He stated Mr. Wotli did turn the utilities back on but wanted to appeal. Jon Rolewicz stated report shows no current certificate and asked had property been re-inspected. Chris Carter asked if property was occupied. Mr. Wotli stated a writ to evict notice was given tenant to vacate premises in 24 hours. Jon Rolewicz stated Mr. Cameron acted within the boundaries of the code and since electricity had been restored didn't understand reason for appeal. Mr. Wotli said his contention was that the City was dealing with the wrong person. He gave copy of lease and handout from the State of Michigan saying responsible party is to be stated and landlord is not responsible for tenant caused issues. Jon Rolewicz stated board follows ordinance but does not address civil issues. City of Muskegon is responsible for safety issues and building code states landlord has to provide a safe dwelling. Don LaBrenz II stated the city can't enforce a civil document that the City has no party to. It's up to the landlord to enforce his own contract. Mr. Wotli said he still didn't understand why he was responsible and felt board should deal with party that had not fulfilled their obligation. Mr. Krick tried explaining that as landowner and business owner Mr. Wotli bears responsibility for maintaining his own properties. Chris Carter stated once tenants had the power cut off they broke lease and at that point owner should have taken action. Once terms were broken it would fall upon the landlord to make sure power was restored. He stated in reviewing pamphlet distributed that it was not Michigan law but information showing tenant rights and responsibilities. Mr. Wotli reviewed eviction process and stated it normally takes about 2 months to complete. He asked if there is a way to shorten process to condemn and evict in 3 days. He said he was being penalized when he didn't cause the issue. He said he's providing utilities for 2 months because of situation. Anthony Kleibecker said shortening the process is a civil process. He further

explained that once a contract was entered with another party that now puts him in a civil arena where the City has no jurisdiction or standing. The City can't enact ordinances that deal with a civil contract and that's where the courts comes into play. Chris Carter stated situation is a pitfall of being a landlord. Mr. Wolti said he would like to get the laws changed.

Chris Carter made motion to deny appeal and was seconded by William Krick.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
			Greg Borgman	Randy Mackie
Jon Rolewicz				
William Krick				
Chris Carter				
Ed Simmons				
			Kirk Kolberg	

Motion carried.

DANGEROUS BUILDING NEW CASES

EN-100207-28 DELAWARE – TINA ENGLAND, 1062 E. FOREST, MUSKEGON, MI 49442

No one was present to represent property.

Anthony Kleibecker stated a call was received by listed property owner to Inspection Department indicating she felt she was being harassed by legal notices. Information that staff has indicates owner was awarded property as result of divorce decree.

Staff Recommendation: Declare the structure substandard, dangerous and a public nuisance.

Randy Mackie made motion to accept staff recommendation and was seconded by Chris Carter

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
			Greg Borgman	
Randy Mackie				
Jon Rolewicz				
William Krick				
Chris Carter				

Ed Simmons

Kirk Kolberg

Motion carried.

EN-100208 (Garage) – 1597 Park – Mary Goings, 1597 Park, Muskegon, MI 49441

No one was present to represent case.

Anthony Kleibecker stated letter was distributed to board that was received from Mercantile Bank indicating a change of ownership. The bank is asking for 120 days to allow time to repair garage.

Staff Recommendation: Table case until the June 2011 meeting with owner to secure the building immediately.

Randy Mackie made a motion to accept staff recommendation and was seconded by Chris Carter.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman

Randy Mackie
Jon Rolewicz
William Krick
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT: 5:55 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Becker, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773